



CONNECTICUT DEPARTMENT OF
CONSUMER PROTECTION

Testimony of Jonathan A. Harris
Commissioner of Consumer Protection

General Law Committee
Public Hearing, February 7, 2017

**S.B. 353 “AN ACT CONCERNING ALLOWABLE HIRING RATIOS REGARDING
APPRENTICES, JOURNEYMEN AND CONTRACTORS”**



**H.B. 6410 “AN ACT ESTABLISHING A NEW HOME CONSTRUCTION AND HOME
IMPROVEMENT CONTRACTOR CERTIFICATE OF REGISTRATION”**

**H.B. 5077 “AN ACT CONCERNING THE RETURN OF UNUSED PRESCRIPTION
DRUGS TO PHARMACIES”**

**H.B. 5732 “AN ACT CONCERNING THE LABELING OF PRESCRIPTION DRUG
CONTAINERS CONTAINING OPIATES”**

Senator Leone, Senator Witkos, Representative Baram, Representative Smith and
Honorable Members of the General Law Committee, thank you for the opportunity to offer
testimony on four of the bills on your agenda for today’s public hearing.

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*S.B. 353 "AN ACT CONCERNING ALLOWABLE HIRING RATIOS REGARDING
APPRENTICES, JOURNEYMEN AND CONTRACTORS"*

Sec. 20-332b of the Connecticut General Statutes currently specifies hiring ratios regarding apprentices, journeymen and contractors. This proposal appears to move this decision-making authority away from lawmakers and, instead, leave it to the discretion of the Commissioner of the Department of Consumer Protection. While DCP deals with the licensing component of apprentices, journeymen and contractors, it does not deal with the day-to-day management or functionality of apprenticeship programs. Apprenticeship programs are overseen by the Department of Labor. This proposal would require additional resources for the Commissioner of DCP to determine the appropriate hiring ratios.

Moving forward, the Department would be happy to work with the proponents of this bill on language that might accomplish their goals.

*H.B. 6410 "AN ACT ESTABLISHING A NEW HOME CONSTRUCTION AND HOME
IMPROVEMENT CONTRACTOR CERTIFICATE OF REGISTRATION"*

The Department supports this concept. As DCP works to ensure that it is focused on its core mission of protecting the public's welfare, health and safety, it is essential to review those areas of key regulation.

We would be happy to work with the proponent of this bill as more details are considered.

H.B. 5077 "AN ACT CONCERNING THE RETURN OF UNUSED PRESCRIPTION DRUGS TO PHARMACIES"

While the Department understands that this bill is well intended, the potential public health risks associated with this proposal could far outweigh the benefits and should be fully considered.

As written, this proposal simply allows for the "proper disposal of unused prescription drugs by pharmacies." It is important to note that, based on Connecticut statutes, pharmacies, by definition, are located behind the counter, and members of the public are prohibited from entering this area. Therefore, this bill would require pharmacists or pharmacy technicians to receive returned drugs from the public by hand.

The Department's Drug Control Division frequently launches prescription drug diversion investigations, many of which are in pharmacies and involve pharmacists or other licensed staff. For example, between 2014 and 2016 the Drug Control Division, based on mandatory reporting and assistance from law enforcement, investigated 14 different cases of missing controlled substances, with a total of 160,806 tablets and 31,161 milliliters (mL) of cough syrup missing from pharmacies. (See attached articles) These are all cases where the drugs were inventoried and there was a system in place to detect diversion. Without requiring a structure to track the returned drugs, this proposal would create huge potential for diversion since pharmacists or other pharmacy staff would be handling untracked drugs. The Department highly recommends requiring a thorough tracking system, including video monitoring and electronic inventory of the drugs being received. Without such a system in place, the Department will require significant additional resources to monitor all pharmacies accepting returned products to make it less likely that drugs are diverted by an abuser, or for resale in the pharmacy or on the street. Even with

such a tracking system, the demands of monitoring and auditing such a system will be significant, although somewhat less so than if no system existed at all.

While creating a system to track the returned drugs is a major concern of the Department's, it is also important to note that the addition of these drugs to pharmacies could compromise the sanitary conditions of pharmacies with the potential of loose antibiotics, syringes and other drugs openly exposed.

In the past, there have also been proposals to allow for prescription drop boxes on the floor of the general retail space where pharmacies are located. The Department maintains its opposition to this concept. A drug disposal box on the retail store floor would require constant supervision to ensure that loose pills and other drug paraphernalia wouldn't end up on the floor, or around the box where children and others would have easy access. It would be the responsibility of DCP to heavily monitor these locations because they would exist under the supervision of those licensed by DCP – pharmacies, pharmacists and pharmacy technicians – and as such, additional staffing resources would be required by the Department.

As you may know, the Department oversees the Prescription Drug Drop Box Program, a free and confidential drug disposal program where local police departments voluntarily manage secure drop boxes that are accessible 24 hours a day, seven days a week. This program has grown since its inception in 2011, with 75 departments currently participating. In 2016, 33,806 lbs. of unused drugs were destroyed through this program and our Drug Control Division is continuing to promote it to ensure that sites are fully accessible throughout our state. The amount of drugs left in the drop boxes has consistently increased each year. While this is good, if consumers decide to dispose of these drugs at pharmacies, rather than police departments, think about what that volume could mean for pharmacy functionality. Local police departments

are well-equipped and positioned to manage these drop boxes and law enforcement oversight creates far less of an opportunity for diversion of these disposed drugs for unlawful use.

Finally, the safest way to dispose of unused medication is in the home. Home destruction ensures that drugs aren't in unsupervised automobiles where there is risk of theft, and it also provides a more rapid and convenient method of disposal. Recently, Mallinckrodt Pharmaceuticals donated 80,000 drug disposal pouches to the State of Connecticut. The Department worked with the Office of the Governor, the Attorney General's Office, and the Departments of Public Health, Mental Health and Addictions Services and Energy and Environmental Protection (DEEP) on a program to distribute these pouches. We also worked with pharmacies throughout the state, where of the pouches were sent to be distributed to customers. The feedback on these pouches has been tremendous and it is our recommendation that the emphasis on drug disposal at pharmacy be on educating consumers about home disposal.

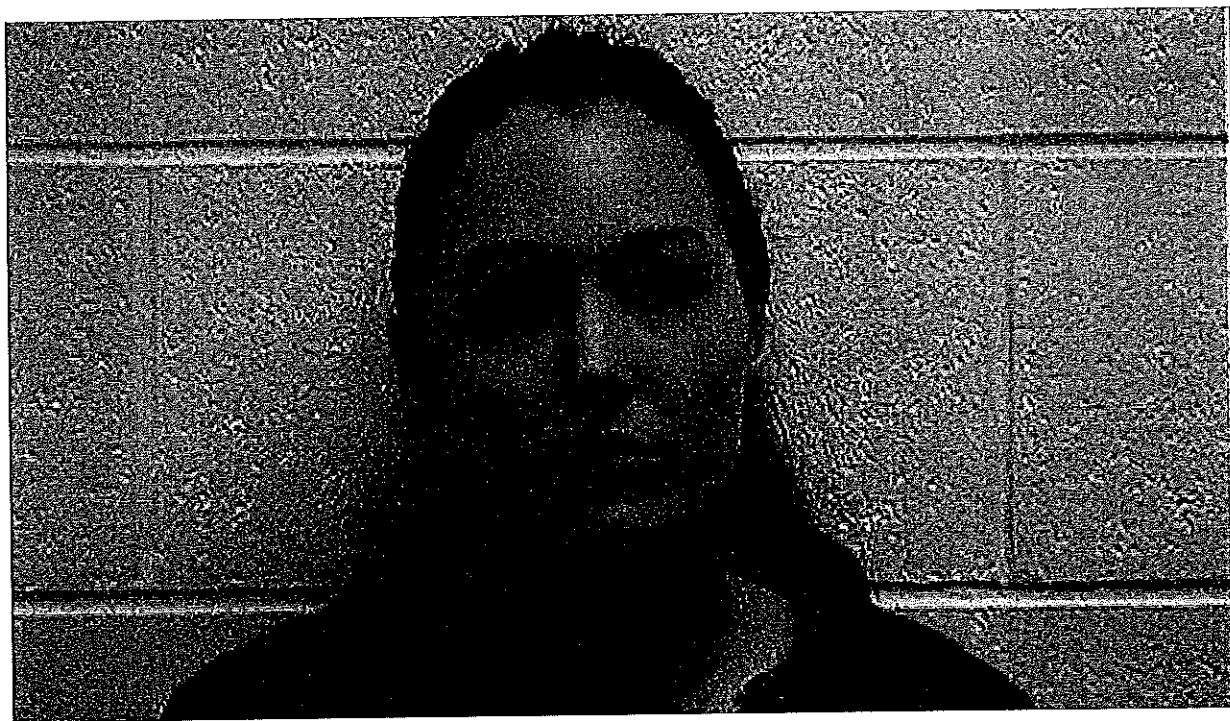
The Department, working in conjunction with DEEP, established recommended procedures for the destruction of unused medication at home. We advise that individuals keep the medication in its original container; use a permanent marker or duck-tape to cross out personal information, or remove the label; make medication less appealing by mixing the drugs (liquid or pills) with hot water to dissolve them and add an undesirable substance, such as salt, ashes, saw dust, used coffee grounds or kitty litter; contain and seal; place it inside a container such as an empty yogurt or margarine tub to ensure that the contents cannot be seen and tape it shut; and then throw the container in a trash can. Our established procedures are available for the public to access on our website at www.ct.gov/dcp/drugdisposal as well as DEEP's and allow for the products to be rendered non-recoverable and destroyed by incineration as is all curb-side trash.

*H.B. 5732 "AN ACT CONCERNING THE LABELING OF PRESCRIPTION DRUG
CONTAINERS CONTAINING OPIATES"*

This proposal seeks to ensure that consumers are making informed decisions before they, or a loved one, consume certain controlled substances. DCP supports this concept of openness and transparency so that consumers are provided with meaningful information before deciding whether or not to take certain controlled substances. Consumer education is a critical tool in fighting the opioid abuse epidemic.

Thank you again for the opportunity to provide input about these important public policy matters. Please feel free to contact me or our Legislative Director, Leslie O'Brien if you have any questions or need additional information.

Naugatuck Police: Woman Stole Pills From Pharmacy Job



Lyndsay Wasilus is accused of stealing prescription pills from the CVS pharmacy in Naugatuck where she worked. (Courtesy of Naugatuck Police)



By David Moran

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Naugatuck Police: woman stole pills from pharmacy job

FEBRUARY 22, 2016, 5:47 PM

NAUGATUCK – A 29-year-old woman is facing charges after police say she stole prescription pills from a CVS pharmacy while she worked there.

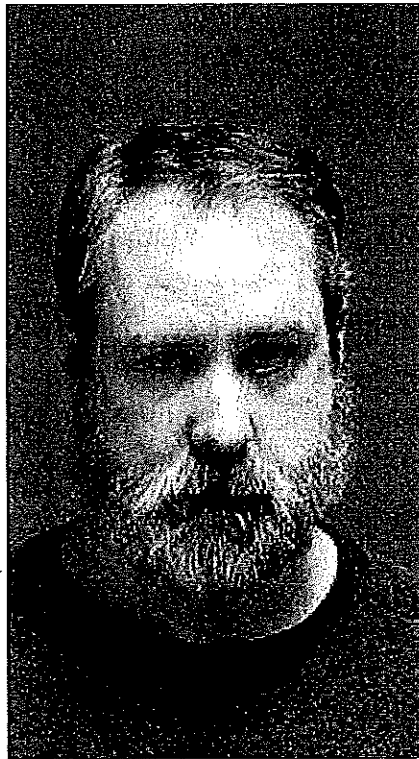
Police charged Lyndsay Wasilus with sixth-degree larceny, possession of a controlled substance and obtaining drugs illegally.

Wasilus stole 30 Oxycontin pills in August 2015 and told store investigators before they fired her that she had taken almost 100 prescription pills from the store while she worked there, police said.

Wasilus was an employee of the CVS for about four months. She is due in Waterbury Superior Court on the charges March 2.

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Former Pharmacist Admits Stealing Cash, Oxycodone From UConn Infirmary



Michael Olzinski, 46, of Coventry, was charged last Wednesday with 173 counts of second-degree forgery. (UConn Police Department)



By David Owens

JANUARY 20, 2017, 8:55 PM

VERNON — A former supervisor in the pharmacy at UConn's Student Health Services infirmary pleaded guilty Friday to first-degree larceny and illegal distribution of narcotics and faces up to two years in prison.

UConn police arrested Michael Olzinski, 46, of Coventry in April 2016 following an investigation that was prompted by UConn's auditors.

The auditors found evidence that Olzinski purchased items for personal use through the pharmacy and did not pay for them, stole cash from the cash register and ordered thousands of oxycodone pills that he then diverted to a person who was not entitled to receive them.

He initially faced 173 counts of second-degree forgery along with the larceny and drug charges, but under the terms of a plea agreement pleaded guilty to the larceny and drug charges. He is scheduled to be sentenced April 27 at Superior Court in Rockville. Under the terms of the deal, Olzinski faces 10 years in prison, suspended after he serves two years, and three years of probation. His lawyer will be able to argue for less time.

Olzinski no longer works for UConn and surrendered his pharmacist license.

The investigation by UConn's auditors found that Olzinski ordered \$4,832 worth of personal care items for his family, including diapers, shampoo and over the counter medications from the student infirmary's vendor and never paid for them; found that he stole \$3,410 in cash from the cash register; and diverted oxycodone and other opioids to a third party, according to the warrant for his arrest. The total financial loss to the university was \$37,954.

The investigation also found that Olzinski falsified prescriptions and logs for controlled substances, according to the warrant.

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Pharmacy Tech Stole Thousands of Pills: Police



Aracelis Virella is accused of stealing thousands of pills from the pharmacy she works at.

An employee of a small pharmacy in Waterbury has been arrested, accused of stealing thousands of pills by stuffing them in her pants and shirt.

In April, Stoll's Pharmacy conducted an audit that revealed discrepancies, including missing oxycodone and Percocet pills, pharmacy owner Edward Schreiner Jr. said.

State police and a task force that includes the Drug Enforcement Agency started investigating and authorities set up surveillance.

The video revealed a pharmacy technician, Aracelis Virella, 49, stealing bottles of pills from a safe, Schreiner said.

She was charged with second-degree larceny, possession of narcotics and possession with intent to sell. She is being held on \$500,000 bond and is due in court on June 4. It is not clear if she has an attorney.

The audit revealed that around 20,000 pills are missing, but surveillance showed Virella taking around 2,500 pills, according to the Republican-American.

The newspaper obtained a copy of the arrest warrant, which includes witness reports of Virella wearing expensive clothes and bragging about going to the casino.



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Schreiner said there was no evidence that there was any theft outside of the pharmacy's inventory and he said customers received the full amount of their prescriptions and they were properly filled.

Published at 12:47 PM EDT on May 16, 2014 | Updated at 4:32 PM EDT on May 16, 2014

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